

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 13-20272

Honorable Thomas L. Ludington

v.

EUGENE H. IVES,

Defendant.

---

**ORDER DENYING DEFENDANT'S MOTION FOR COMPASSIONATE RELEASE  
WITHOUT PREJUDICE**

On May 21, 2013, Defendant Eugene Ives was charged with attempting to transfer obscene material to a minor, two counts of sexual abuse of a minor, and two counts of abusive sexual contact with a minor. ECF No. 4. On April 17, 2014 Defendant pled guilty to one count of sexual abuse of a minor and the remaining charges were dismissed. ECF No. 36. On August 26, 2014 Defendant was sentenced to 180 months in prison and five years of supervised release. ECF No. 42. He is currently incarcerated at FCI Elkton.

On November 24, 2015, he filed a motion to vacate his sentence under 28 U.S.C. § 2255. ECF No. 44. His motion was denied on August 1, 2016. ECF No. 61. Subsequently, Defendant filed multiple motions and letters. On January 24, 2017 Defendant filed a motion to dismiss the indictment for lack of jurisdiction, which was promptly denied. ECF Nos. 63, 64. On August 8, 2019 and October 10, 2019, Defendant submitted letters that were filed on the docket. ECF Nos. 72, 73. On December 17, 2019 Defendant filed a motion, styled as a letter, seeking “a second chance, reduction on my fifteen years.” ECF No. 74 at PageID.324. His motion was denied because he failed to identify a legal basis for his request. ECF No. 75.

On January 8, 2021, Samantha Gipson filed a motion on the docket in Defendant's case. ECF No. 76. She states,

Eugene Ives Jr case number 13-20272 and I would like to make a motion to get him release from Ohio prison. I am his (P.O.A.) Power of Attorney  
Any questions please call me at 989-533-8894.

*Id.* at PageID.329. She includes a copy of a power of attorney agreement from September 2020 that authorizes her to execute financial and real and personal property transactions on behalf of Defendant. *Id.* at PageID.330. In addition, Ms. Gipson includes one page of Defendant's medical records regarding a rapid COVID-19 test. *Id.* at PageID.331.

Ms. Gipson does not provide evidence identifying why she has standing to bring a motion on Defendant's behalf. Additionally, the Motion includes no factual or legal argument explaining why Defendant is eligible for release. Even liberally construing Ms. Gipson's Motion as a motion for compassionate release,<sup>1</sup> there is no indication in the Motion or the attached exhibits whether Defendant exhausted his administrative remedies with the Bureau of Prisons prior to filing the instant Motion.<sup>2</sup>

---

<sup>1</sup> The only evidence that Ms. Gipson is seeking compassionate release is the inclusion of Defendant's COVID-19 rapid test results. A significant number of incarcerated defendants are currently seeking compassionate release under 18 U.S.C. § 3582(c)(1)(A) due to the COVID-19 pandemic.

<sup>2</sup> Before a court may consider an inmate's request for a reduced sentence under 18 U.S.C. § 3582(c)(1)(A), the inmate must first exhaust their administrative remedies with the Bureau of Prisons or wait 30 days after making such a request. The Sixth Circuit has explained that, "By creating a compassionate-release option in the First Step Act, Congress gave inmates an option to seek early release on health grounds. The seriousness of COVID-19 and its spread in many prisons make it all the more imperative that the prisons have authority to process these applications fairly and with due regard for the seriousness of each inmate's risk. Free-floating exceptions to the rule, available to anyone willing to go to federal court first, will not help that cause." *United States v. Alam*, 2020 WL 2845694, at \*4 (6th Cir. June 2, 2020).

Accordingly, Ms. Gipson's Motion on behalf of Defendant for Compassionate Release, ECF No. 76, is **DENIED WITHOUT PREJUDICE**.

Dated: February 2, 2021

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and to **Eugene Henry Ives** #48470-039, ELKTON FEDERAL CORRECTIONAL INSTITUTION, Inmate Mail/Parcels, P.O. BOX 10, LISBON, OH 44432 and to Samantha Gipson, 723 Fairway Dr., Apt B, St. Louis, MI 48880 by first class U.S. mail on February 2, 2021.

s/Kelly Winslow  
KELLY WINSLOW, Case Manager